

Title 15
DEPARTMENT OF AGRICULTURE

Subtitle 20 SUBTITLE 20 SOIL AND WATER CONSERVATION

15.20.07 Chapter 07 Agricultural Operation Nutrient Management Plan Requirements

15.20.08 Chapter 08 Content and Criteria for a Nutrient Management Plan Developed for an Agricultural Operation

Authority: Agriculture Article, §§8-801—8-806, Annotated Code of Maryland

Notice of Proposed Action

The Secretary of Agriculture proposes to amend Regulation .02 under **COMAR 15.20.07 Agricultural Operation Nutrient Management Plan Requirements**.

The Secretary of Agriculture also proposes to amend Regulations .02 and .05 under **COMAR 15.20.08 Content and Criteria for a Nutrient Management Plan Developed for an Agricultural Operation**.

Statement of Purpose

The purpose of this action is to add Supplement No. 8 (December 2012) to the Maryland Nutrient Management Manual, which is incorporated by reference under COMAR 15.20.07.02 and 15.20.08.02. Supplement No. 8 (December 2012) includes modification to the method for determining nutrient recommendations, specifically the method for the determination of phosphorus as the limiting nutrient by implementing a revised Phosphorus Site Index. This action subsequently impacts COMAR 15.20.08.05 by defining the method and elements for determining required nutrient recommendations in a nutrient management plan.

Opportunity for Public Comment

Comments may be sent to Jo A. Mercer, Ed.D., Administrator, Nutrient Management Program, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-5959, or email to Jo.Mercer@maryland.gov, or fax to 410-841-5950. Comments will be accepted through February 25, 2013. A public hearing has not been scheduled.

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Subtitle 20 SOIL AND WATER CONSERVATION

Chapter 07 Agricultural Operation Nutrient Management Plan Requirements

Authority: Agriculture Article, §§8-801—8-806, Annotated Code of Maryland

.01 Text unchanged.

.02 Incorporation by Reference.

The performance and technical standards provided in this subtitle are found in the Department of Agriculture's Maryland Nutrient Management Manual (November 1999), Supplement No. 1 (September 2000), Supplement No. 2 (November 2001), Supplement No. 3 (September 2004), Supplement No. 4 (November 2005), and Supplement No. 5 (November 2006), Supplement No. 6 (May 2009), [and] Supplement No. 7 (May 2012), *and Supplement No. 8 (December 2012)*, which are incorporated by reference.

.03 — .07 Text unchanged.

Chapter 08 Content and Criteria for a Nutrient Management Plan Developed for an Agricultural Operation

Authority: Agriculture Article, §8-801.1, Annotated Code of Maryland

.01 — .04 Text unchanged.

.05 Nutrient Management—Required Plan Recommendations.

A. — D. Text unchanged.

E. Determination of Limiting Nutrient.

(1) — (2) Text unchanged.

(3) If the soil sample analysis results show a phosphorus fertility index value (FIV) of less than 150, nutrient recommendations may [use] *be based on* nitrogen plant needs as the limiting factor *in accordance with the recommendations described in the Maryland Nutrient Management Manual, Section I-B.*

(4) Phosphorous.

(a) Text unchanged.

(b) If the risk for potential [movement] *loss* of phosphorus from the site is low according to the phosphorus site index, [nutrient recommendations by the consultant or certified farm operator may use nitrogen plant needs as the limiting factor] *total phosphorus applications related to crops planted in a three-year period shall not exceed the amount of phosphorus removed by the crops over the three-year period.*

[(c) If the risk for potential movement of phosphorus from the site is medium according to the phosphorus site index:

(i) Nutrient rates shall be based on nitrogen plant needs as the limiting factor no more than 1 out of every 3 years. Phosphorus rates the other 2 years shall be limited to the expected amount removed from the field by the crop or plant harvest, or the amount indicated by soil testing in accordance with the recommendations described in the Maryland Nutrient Management Manual, Section I-B, whichever is greater; or

(ii) Nutrient recommendations may use nitrogen plant needs as the limiting factor if BMPs are implemented by the operator and address site or management characteristics to reduce the risk of phosphorus loss to low.]

[(d)] (c) If the risk for potential [movement] *loss* of phosphorus from the site is [high] *medium* according to the phosphorus site index:

(i) Phosphorus rates shall be limited to the expected amount removed from the field by the crop or plant harvest *in the year of application.* or the amount indicated by soil testing, in accordance with the recommendations described in the Maryland Nutrient Management Manual, Section I-B; or

(ii) If BMPs are implemented by the operator, [and] that address site or management characteristics [to] *which* reduce the risk of phosphorus loss to [medium] *low*, nutrient rates may be [based on nitrogen plant needs as the limiting factor] *established as provided by paragraph (b) of this subsection*. [not more than 1 out of every 3 years. Phosphorus rates the other 2 years shall be limited to the expected amount removed from the field by the crop or plant harvest, or the amount indicated by soil testing or in accordance with recommendations described in the Maryland Nutrient Management Manual, Section I-B, whichever is greater.]

[(e)] (d) If the risk for potential [movement] *loss* of phosphorus from the site is [very] high according to the phosphorus site index:

(i) No additional phosphorus may be applied; or

(ii) If BMPs are implemented by the operator, [and] *that* address site or management characteristics [to] *which* reduce the risk of phosphorus loss to [high] *medium*, recommended rates of application of phosphorus shall be limited to the expected amount removed from the field by the crop or plant harvest *in the year of application*, or the amount indicated by soil testing in accordance with recommendations described in the Maryland Nutrient Management Manual, Section I-B.

[(5) Before the deadlines set forth in COMAR 15.20.07.03 for the development of a phosphorus-based plan, a certified nutrient management consultant or certified farm operator may use:

(a) The requirements of §E(1)—(3) of this regulation as a planning tool to determine if future management changes are indicated by the P index, and if development of a phased-in approach to a phosphorus-based plan should be recommended; or

(b) §E(1)—(3) of this regulation as a guide to determine nutrient management recommendations.]

F. — I. Text unchanged.

.06 — .07 Text unchanged.